

REMARKS

In response to the outstanding Office Action dated July 28, 2004, applicant, first of all, wishes to thank the Examiner for the allowance of claims 8-13 and for the indication of allowable subject matter in claims 3, 4, 6 and 7. Six new claims (15-20) have been added and appear in the Listing of Claims beginning on page 3 of this paper. No original claims have been amended for the reason that all the original claims are considered by the applicant to be allowable for the reasons set forth hereinafter.

The specification has been amended in two paragraphs on pages 9 and 10 to reflect the actual text of the specification as it was originally filed in applicant's parent application Serial No. 09/901,005 filed July 10, 2001, now U.S. Patent No. 6,690,294.

Turning now to the rejection of claims 1, 2, 5 and 14 under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,515,042 to Nelson, the applicant respectfully traverses the Examiner's rejection. Nelson discloses a traffic enforcement device 10 mounted in a mobile monitoring vehicle 32 and is designed to monitor the speed of a target vehicle 34. The device 10 includes a radar or laser speed detector 12, a camera 14 and a GPS monitor 16. The camera 14 is used to record images of the license plate 36 of the target vehicle 34 and the target vehicle 34 itself (col. 3, lines 28-41). Insofar as taught by Nelson, the images taken by his camera 14 are *not* used in the determination whether a traffic violation has occurred as recited in applicant's claims 1 and 14. That determination is made by the speed detector 12 and the camera merely receives

the speed information from the speed detector (Nelson, col. 3, lines 38-65; claim 1) so that the speed information can be imposed on the vehicle and license plate images (Nelson, col. 3, line 66 to col. 4, line 14).

More importantly, nowhere does Nelson disclose or suggest that his traffic enforcement device 10 could or should be supplied to a private individual to enable the private individual to assist law enforcement officials in determining traffic violations, such as speeding violations. This “supplying” step is an element of all the pending method claims in this application and is simply not taught nor even remotely suggested by Nelson.

In the Office Action at page 2, the Examiner takes the erroneous position that Nelson discloses the step of supplying the traffic enforcement device to a *private individual*, in reliance on Figure 2 of Nelson and Nelson’s disclosure at col. 2, lines 57-62. But nowhere in Nelson’s Figure 2 or in his disclosure at col. 2, lines 57-62 is there any specific mention or suggestion that the device 10 can be operated by private individuals. Indeed, there is not even a hint that Nelson’s traffic enforcement device is intended to be used by anyone other than a police officer or a traffic enforcement official. Nelson confirms this fact in several ways. First, at col. 4, lines 21-29, Nelson describes the operator of the vehicle 32 as working a “shift,” which clearly teaches or implies that the vehicle operator is not a private individual, but rather is a police officer or other traffic enforcement official engaged in working a “shift.” Second, Nelson teaches that at the end of the “shift” the operator of the vehicle 32 issues traffic citations, which may only be issued by law enforcement officials and not by private individuals. Third, the use of radar or laser equipment as speed detectors to monitor traffic violations is virtually always limited to law

enforcement personnel. Thus, such use of radar and lasers implicitly excludes private individuals as operators of the vehicle 32.

Referring now to rejected claims 1 and 14 and new claim 15, those claims all recite in the preamble a method of “enabling private individuals to assist law enforcement officials in the determination of traffic violations” or “enabling private individuals to gather evidence of potential traffic violations to assist law enforcement officials in the determination of traffic violations” and an express method step of “supplying a private individual with an imaging device [or a device adapted to collect information].”

The Examiner acknowledges that Nelson does not disclose the step of “compensating the private individual if a traffic citation is issued,” as recited in claims 1, 14 and new claim 15. Nevertheless, the Examiner takes the position that a reward based on achievement would be given to a private individual and it would therefore be obvious to compensate the private individual if a citation is issued. Office Action at page 2, para. 2. The Examiner’s position begs the question because, as previously pointed out, there is no disclosure anywhere in Nelson of operation of the vehicle 32 by a private individual, much less compensating the private individual. That being the case, it certainly would not be obvious to the skilled artisan that the operator of the vehicle 32 should be compensated when a citation is issued. Similarly, claim 5, which recites the step of paying the private individual a percentage of the fine associated with the traffic citation, is simply neither taught nor suggested by Nelson.

Claims 1 and 14 also recite the step of “determining at the analysis center whether a traffic violation has occurred based on the images transmitted from the imaging device.” The

Examiner relies on Nelson at col. 4, lines 21-26 as teaching the “determining” step of those claims. However, the language of Nelson relied on by the Examiner merely states broadly that the images are recovered and reviewed before a citation is issued. A violation is not “determined” by the Nelson device based on the images transmitted from the camera 14 of Nelson as required by claims 1 and 14. Rather, a violation is determined by the speed detector 12, which generates an output to the camera 14 and GPS monitor 16 when it senses a speed in excess of a predetermined limit (see col. 3, lines 54-65). The only reason the images are reviewed before a citation is issued is because all the data, including the speed data from the radar or laser speed detector, is imposed on the image. *See* Nelson at col. 4, lines 4-11 and Figure 3.

With regard to the Examiner’s rejection of claims 2 and 14 regarding the step of providing the private individual with an identification code, the Examiner relies on Nelson’s disclosure at col. 3, lines 28-32 and col. 4, lines 7-11. The Examiner’s reliance on that language of Nelson is misplaced because that disclosure relates to a unique *identifying image of the target vehicle 34* and discloses nothing whatever with regard to the *identification of the operator* of the vehicle 32, even assuming *arguendo* that operator was a private individual.

New claims 15-20 are submitted in this Amendment and, for the same reasons as set forth above, are considered to patentably distinguish over Nelson.

In view of the aforementioned amendments and remarks, favorable reconsideration of this application is respectfully requested. Should the Examiner have any questions or suggestions concerning this application, the Examiner is cordially invited to telephone the undersigned

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attorney, so that the present application can receive an early Notice of Allowance.

In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the Deposit Account below. Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (114214-00103).

Respectfully submitted,

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